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Israel

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I. Introduction

1. As it embarks on its third cycle of the UPR[1], Israel, as a democratic country governed by the rule of law, remains committed to protecting and ensuring human rights.

II. Methodology and consultation process

2. This Report of the State of Israel was prepared in accordance with guidelines detailed in Resolution 16/21[2] and its Annex, Decision 17/199[3] of the Human Rights Council and the "3rd Cycle Universal Periodic Review National Report Guidance Note".

3. This Report was compiled by the MFA[4] in collaboration with the MOJ[5] and all relevant Government Ministries. As discussed in previous reports, Israel maintains a vibrant dialogue with civil society organizations, in particular within the UN Human Rights treaty bodies and UPR reporting process. Since 2012, the MFA and MOJ have promoted a project under the auspices of the Hebrew University in Jerusalem, designed to facilitate open dialogue and improve cooperation between State authorities and civil society organizations, specifically concerning the reporting process to UN Human Rights Committees. The project created a joint forum, attended by state authorities, scholars and representatives of civil society, to discuss State reports that are submitted to these committees on an ongoing basis and encourage civil society organizations to comment on the State's draft reports.

4. Since the last reporting cycle, Israel also introduced, in 2017, a series of "Round Tables". This project entailed six discussion sessions in academic institutions located throughout Israel so as to facilitate diverse participation. The sessions offered a unique platform for free discourse between civil society, academics and government representatives on core human rights issues related *inter alia* to: LGBT Rights; Israelis of Ethiopian descent; the local Bedouin population; women's rights; rights of persons with disabilities; and social and economic rights in the periphery. One of the aims of this project was to allow grass roots organizations, which usually do not have the resources to submit shadow reports to the general treaty bodies and UPR process, to participate in the UN HR reporting mechanism.

III. Human rights infrastructure

A. International human rights framework

1. International instruments

5. Israel updated its Common Core Document and reported on the following treaties during the period between 2013 and 2017: the ICCPR[6], the CERD[7], the CAT[8], the CRC-OP-SC[9], the CEDAW[10], and CRPD[11].

6. Israel is pleased to report that in March 2016, the GOI[12] ratified the WIPO's[13] Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired, or Otherwise Print Disabled, which establishes an exception to intellectual property laws to enable the creation of a copy of a published work, in a format suitable for use and enjoyment by persons who are visually impaired without requiring the consent of the right-holder.

7. Israel's accession to this treaty underlines the importance that Israel attributes to the rights of PWD[14] and the efforts it invests in promoting their rights. In fact, Israel's Making Works, Performances and Broadcasts Accessible for Persons with Disabilities Law

(Legislation Amendments) 5774-2014,[15] prescribes arrangements that go beyond the Marrakesh Treaty in several ways. For example, while the Treaty mandates the creation of accessible formats for visually impaired persons only, the Law allows for the creation of accessible formats for all PWD.

2. Engagement and dialogue

8. Israel maintains close relations with a variety of international and domestic human rights bodies, compiles detailed state reports and conducts dialogues with high-ranking foreign delegations as an expression of its appreciation for transparency and despite the HRC's unfair treatment of Israel, including the overtly discriminatory Item 7 in its agenda, which singles-out Israel, while all other countries' human rights situations are dealt with under appropriate, non-state specific items. Among others, Israel continuously engages with the representatives of OCHA[16], OHCHR[17], and UNICEF[18] and fully cooperates with the UNSG[19] Special Coordinator for the Middle East Peace Process.

9. Since 2013, Israel has hosted several senior officials for this type of engagement, including, *inter alia*, two visits by former UNSG Ban Ki-Moon[20] and recent visits by UNSG Antonio Guterres[21] and by the UNHRC[22] Special Rapporteur on Violence against Women[23]. Israel has extended an invitation to the Special Rapporteur on the Situation of Human Rights in Eritrea to visit in 2017-18. In addition, Israel hosted Mr. Peter Maurer, the President of the ICRC[24] twice, and maintains close cooperation with the ICRC.

3. Cooperation with United Nations agencies and bodies[25]

10. Israel has a long record of facilitating the work of UN agencies and cooperating with UN bodies, providing reports and engaging in dialogue with the relevant committees. Israel regularly cooperates and facilitates visits by these bodies unless the mandate involved is inherently political or particularly biased.

11. Israel has appeared before the following UN human rights treaty bodies since the last UPR: CAT in May 2016; ICCPR in October 2014; CRC[26] in June 2013; and CRC-OP-SC in May 2015. Israel is set to appear before CEDAW on October 31, 2017 and is awaiting appearance dates from CERD and CRPD.

12. The State of Israel's commitment to human rights and its cooperation with UN bodies is underscored by the establishment, in 2011, of a joint inter-ministerial team, headed by the Ministry of Justice's Deputy Attorney General (International Law), for reviewing and implementing the concluding observations of the various human rights committees. This inter-ministerial team meets to examine the UN human rights committees' concluding observations and has made several significant changes related to domestic human rights legislation.[27]

B. The protection and promotion of human rights at the national level

1. Equality and non-discrimination[28]

13. Equality and non-discrimination are the cornerstones of the State of Israel's democracy and are enshrined in its Declaration of Independence and Basic Laws. Israel's commitment to these core values and rights has been reiterated time and again in laws and court rulings and is repeatedly re-affirmed and promoted through legislative and policy measures.

(a) Gender-based equality[30]

14. Israel's unwavering dedication to gender-based equality has not faltered—from the enactment of the *Equal Rights for Women Law* 5711-1951 just three years after the establishment of the State of Israel, until now.

15. Women's participation in the public sphere is valued and encouraged. In the current 20th Knesset, the proportion of women MKs[31] has grown to a record high of 27.5%[31], from 22.5% in the 19th Knesset. Two of these women serve as deputies to the Knesset speaker, five serve as chairpersons of Knesset Committees, and two belong to the Arab minority. In the current Government, the percentage of women ministers has grown from 9.7% to 16%. There are currently four women Government Ministers and one female Deputy Government Minister. 40% of the high-ranking positions in the Civil Service are filled by women, an increase from the 32.6% noted in Israel's last national report. In government companies, the percentage of female directors rose to 43%, reflecting a 10% increase from 2007[32].

16. Out of the 725 judges presiding in different courts throughout Israel, 369 (51%) are women. In October 2017, Esther Hayut assumed the role of Chief Justice of the Supreme Court, becoming the third female of the past four Chief Judges in that position. In 2017, two women of Ethiopian descent were appointed as Magistrate Court judges, a groundbreaking moment in Israeli judicial history. On April 25, 2017, the first female Qadi[33] was appointed to serve in a Muslim Religious Court. Notably, this Qadi received the support of all nine members of the Judicial Appointments Committee.

17. On, May 26, 2015, the GOI established a Ministerial Committee on Social Equality, specifically designated to promote gender equality in various aspects of life.[34]

18. In March 2014, Amendment No. 3 to the *Male and Female Workers (Equal Pay) Law* 5756-1996 was adopted, which required public bodies that are obligated by law to submit reports regarding employees' salaries to include a gender-based wage index in order to expose discrepancies. Following a report by the Committee for the Advancement of Women in the Civil Service[35], which was established in 2014, the Commissioner issued guidelines which include criteria for setting salary components (standards for vehicle allowance, overtime hours, and on-call-hours), thereby narrowing the potential for discrepancies in salaries between women and men in the same position. In addition, the guidelines also require the employer to report varied salary components to the CSC[36], which not only improves transparency but also helps the CSC supervise and narrow salary gaps.

19. On March 21, 2017, the paid maternity leave period was extended from 14 to 15 weeks, in accordance with the criteria under Amendment No. 57 of the *Women's Employment Law* 5714-1954.[37] Additionally, this Amendment and Amendment No. 54 to the same law extend the entitlement of parental leave to fathers; *inter alia*, a father may take paid parental leave for a period of one work-week immediately following the birth of his child. Furthermore, under the law, a father may opt to take another seven days of parental leave at any time during the mother's parental leave.

20. The status of women in the IDF[38] continues to improve. The most prominent example of this is in the infantry, where the number of women is steadily rising, and new opportunities have become available for women. Due to concerns that the process of integrating ultra-Orthodox men into the IDF would lead to the exclusion of women in various positions in the IDF, Amendment No. 19 to the *Defence Service Law [Consolidated Version]* 5746-1986 was passed in 2014, banning such exclusion.[39]

21. Israel has focused efforts to facilitate greater access to justice by women, particularly minority women. In recent years, the Southern District of the LAA[40] of the MOJ identified cultural and economic barriers that prevent women from the Bedouin

population from accessing courts.[41] The LAA took several steps to address these issues, including: establishing a LAA branch in Rahat[42] in June 2016; strengthening cooperation between the LAA and NGOs as well as with the Authority for Development and Housing of the Bedouins in the Negev; enhancing the accessibility of legal aid for women victims of prostitution – a joint project of the Southern District of the LAA with the "Bishvilech" NGO; providing legal assistance to female victims of domestic violence; providing legal assistance for victims of trafficking; establishing "Access to Justice Stands" – counters located in courts that offer ad hoc legal aid to unrepresented people.

22. One ubiquitous challenge in modern society that Israel must also face is combating gender-based violence. The Government has attempted to tackle the problem head-on both internationally by spearheading an initiative within the framework of the Committee on the Status of Women at the United Nations, and domestically via various legislative amendments and enforcement efforts. Among these are the following:

(a) The UN Resolution on Preventing and Eliminating Sexual Harassment in the Workplace, which was introduced and primarily negotiated by Israel, was adopted in March 2017. The Resolution condemns all forms of sexual harassment, especially against women and girls, including harassment in the workplace, and emphasizes the need to take all necessary measures to prevent and eliminate such harassment. The Resolution, the first of its kind on this topic at the UN, emphasizes the important role of Member States in eliminating this phenomenon and places the primary responsibility upon employers to take measures to prevent such incidences. The Resolution also lays out several methods through which countries can combat and handle sexual harassment, including legislation, policies, education, awareness-raising programs and research.

(b) Amendment No. 20 of 2017 to the *Legal Aid Law* 5732-1972 entitles victims of serious sexual offenses to legal counsel from the moment an indictment is filed for the offense through the course of criminal proceedings and related administrative proceedings.

(c) Amendment No. 122 of 2016 to the *Penal Law* 5737-1977, added Section 347B to the Law, which prohibits consensual sexual relations between a clergyman and a person above the age of 18 who sought counsel from the clergyman, when the consent was obtained through the exploitation of the individual's mental dependence upon the clergyman.

(d) Amendment No. 14 of 2015 to the *Legal Aid Law* 5732-1972 provides that legal aid, including representation in civil court proceedings, will be provided without a financial eligibility test to victims of sexual offences in civil proceedings under the *Limitations on the Return of a Sex Offender to the Victim's Vicinity Law* 5765-2004.

(e) Amendment No. 5 of 2015 to the *Statute of Limitations Law* 5718-1958 allows for the possibility of extending the statute of limitations if the defendant, or her/his representative, knowingly misled the plaintiff, abused her/his power, threatened or exploited the plaintiff, including by means of sexual abuse.

(f) Amendment No. 10 of 2014 to the *Prevention of Sexual Harassment Law* 5758-1998 provides that publishing a photograph, film or recording of a person that focuses on his/her sexuality[43], in circumstances in which the publication is likely to humiliate or degrade him/her, and without his/her consent, constitutes a sexual harassment offence, punishable by five years of imprisonment.

(g) In July 2014 the *Prevention of Sexual Harassment Regulations* 5758-1998 were amended to require higher education institutions to increase awareness to prevent sexual harassment, including by: notifying students and employees about the regulations and ways to file a complaint; appointing two sexual harassment prevention officers with relevant training in institutions with 2,000 students or more. These institutions are also

obligated to file an annual report to the AAW[44], to the Knesset Committee for the Advancement of the Status of Women and Gender Equality (2014), and to the relevant regulatory body.

(h) In 2012, the Attorney General appointed an inter-ministerial team to examine ways to handle incidents involving the exclusion of women in the public sphere in light of an increase in the number of reports of such incidents. The Attorney General adopted the team's recommendations in May 2013 and a team was appointed to implement the recommendations. Among others, the following steps were taken: a dedicated email account was designated for this type of complaint; the MRS[45] and the Attorney General issued circulars indicating that segregating burial plots in cemeteries by gender is prohibited; the MOH[46] issued guidelines forbidding the exclusion and segregation of women at HMO branches and hospitals and demanding that modesty signs (signs calling, instructing, or demanding modest attire) be removed; the MOT[47] undertook extensive reviews to ensure that all public buses, even those operated in ultra-Orthodox communities, do not coerce segregated seating.

23. Four recent court decisions highlight the judiciary's significant role in safeguarding women's rights:

(a) On February 28, 2017, the HCJ[48] rejected two appeals that were merged together after being filed by two appellants who had refused to grant their respective wives a Jewish writ of divorce (Gett) for a lengthy period.[49] The appellants (separately) appealed the decision of the Great Rabbinical Court to approve various social sanctions that the Rabbinical Courts had imposed upon them, based on Jewish religious law, including alienating them from their communities and shaming them in public to force them to agree to grant the writ of divorce.[50] The Court ruled that due to the appellants' behavior, including the violation of judicial decisions obligating them to grant their wives a Gett, the Rabbinical Courts had the authority to impose all of these sanctions, except one recommendation (in one of the appellants' cases) to prohibit the performance of a Jewish burial for him.[51]

(b) The Supreme Court upheld a regional rabbinical court ruling which approved a divorce for a woman whose husband is in a vegetative state, and reversed a Great Rabbinical Court ruling which allowed a third party to appeal this decision. The Supreme Court emphasized that such an effort to try and make the woman an Aguna, a Jewish woman unable to re-marry (after the lower Rabbinical Court granted her a divorce) violates her basic right of human dignity, as enshrined in the *Basic Law: Human Dignity and Liberty* 5752-1992 and deprives her of her liberty. The Court concluded that this would be unconstitutional.[52]

(c) In December 2015, the Supreme Court upheld the right to file a class action lawsuit and grant damages in the wake of an ultra-Orthodox radio station's ban on women broadcasters.[53]

(d) On June 21, 2017, the Jerusalem Magistrate Court approved an agreement between El Al Airlines and a female passenger who had been asked to move from her assigned seat when an ultra-Orthodox male passenger refused to sit next to her. According to the agreement, which the court incorporated into its decision, an airline crew member may not, under any circumstances, ask a passenger to move from his/her assigned seat when the adjacent passenger will not sit beside him/her because of his/her gender.[54]

(b) LGBT rights[55]

24. Israel steadfastly protects the rights of its citizens to live freely according to their sexual orientation and gender identity and actively promotes the development of rights for the LGBT community.

25. Since the last cycle, there have been a number of notable legislative and administrative developments affecting the LGBT community, including:

(a) The September 2017 notice by the MOLSASS[56] that it supports changing the legislative criteria which requires an adoptive couple to be a "man and his wife", to a new gender-neutral standard that simply requires that adoptive parents have a stable and ongoing relationship.

(b) The introduction, in 2016, of a PIBA[57] policy that shortens the process by which a same-sex spouse of an Israeli citizen may receive a visa.[58]

(c) The 2014 adoption of Amendment No. 4 to the *Pupil's Rights Law* 5761-2000, adding sexual orientation and gender identity to the list of grounds upon which discrimination against pupils is prohibited.

(d) The 2014 modification of the template for identity cards by the MOI[59], allowing for the clear designation of same-sex parents.

26. Recent court decisions protecting the rights of same-sex couples in Israel include:

(a) A 2016 National Labor Court decision (overturning a previous ruling by the Tel Aviv-Jaffa District Labor Court) held that the constitutional right of a same-sex couple to create a family enables it to benefit from the same entitlement terms granted to heterosexual families, as laid out in the *National Insurance Law*.[60] This ruling enshrines the principle of non-discrimination against same-sex couples with regard to National Insurance benefits.

(b) The 2014 Jerusalem District Court decision rejecting an appeal filed by a Guest House regarding whether a certain venue can refuse to hold a same-sex wedding. The Court stressed that the principle of equality was a fundamental principle of Israel's legal system and that preventing a same-sex couple from getting married at a certain venue is discriminatory.[61]

(c) The 2013 Tel Aviv-Jaffa Family Court ruling that a same-sex couple could be registered as parents and recognized as joint parents through a judicial parenthood order, without a social services' review.[62]

27. Israeli courts have also taken a clear stance against violence in the LGBT context. In April 2016, the Jerusalem District Court convicted Yishay Shlisel of murder, six counts of attempted murder and injury under aggravated circumstances, after he stabbed seven people in the Jerusalem Pride Parade in July 2015.[63] Shlisel was sentenced to life imprisonment with an additional 31 year imprisonment sentence and was ordered to compensate the deceased's family and other victims in the total amount of 2,064,000 NIS.[64]

28. Furthermore, Israel has played a significant role in promoting the rights of the LGBT community at the UN and beyond. The permanent mission of Israel to the UN is a long-standing member of the LGBT core group in New York. Israel actively fought to protect the mandate given to the Independent Expert on SOGI[65], voting several times in favor of the position and delivering supportive statements in the third and fifth committees and in the General Assembly. It has also co-sponsored many side events held by the core group to raise awareness and promote the rights of the LGBT Community. Finally, Israel is a founding member of the recently established ERC[66], a group of countries (outside the auspices of the UN) committed to promoting the rights of the LGBT community.

(c) Minority rights[67]

29. Israel strives to protect, promote, and integrate minorities, who comprise approximately 25.3% of Israel's population, and ensure that they have equal access to employment, education, and socio-economic rights, as well as full participation in political

processes. In the current 20th Knesset, there are thirteen Arab, one Bedouin and four Druze Knesset Members.[68]

Public representation

30. Due to the affirmative action measures described in Israel's last national report, there has been a steady increase in the employment rates of minorities in the Civil Service. As of October 2017, 10.1% of all Civil Service employees were Arabs, Bedouins, Druze and Circassians (compared to 8.4% in 2012 and 6.17% in 2007). Approximately 40% of these employees are women. These affirmative action efforts are ongoing and the government has designated hundreds of positions for these purposes.

31. Many Arab-Israeli employees within the Civil Service maintain senior-level positions, with decision-making authority. These employees serve in many capacities, including: investigative engineers, clinical psychologists, senior tax investigators, senior economists, senior electricians, geologists, department controllers, lawyers and educational supervisors. While there were 347 Arab, Bedouin, Druze and Circassian employees holding senior positions in 2006, that number rose to 562 in 2014.

Economic, social and cultural measures for the Arab, Bedouin, Druze and Circassian Communities

32. In recent years there have been several significant Government measures to empower the Arab population and to reduce gaps between that population and Israeli society in general. These efforts have already led to positive trends, like the consistent growth in employment figures for the Arab population in general and especially Arab women.

33. Several programs have been designed to benefit Israel's minorities. The Authority for Economic Development of the Arab Population, including the Druze and Circassian (hereinafter: the "Authority"), within the Ministry of Social Equality is currently implementing the following measures:

(a) Government Resolution No. 922, entitled "Government activities for the development of minority populations for the years 2016-2020", which implements a five-year plan (2016-2020) to further integrate Arab, Druze, Bedouin, Christian and Circassian populations in Israel through : education – by, *inter alia*, upgrading teaching quality, promoting educational programs, and allocating a budget for informal educational and extra-curricular activities; higher education – by increasing the rate of Arab students studying for their Bachelor's degree to 17% by 2025[69]; transportation infrastructure – by, *inter alia*, improving public transportation, paving new roads in Arab localities, and training Arab women as public transportation drivers; commerce and trade – through, *inter alia*, the expansion of industrial zones, the allocation of at least 50% of the employment budget to populations with low participation rates, and the allocation of at least 10% of the assistance budget of the Foreign Trade Administration to promoting the participation of the Arab population in foreign markets; employment – by, *inter alia*, establishing more child care centers[70], setting up additional Ryan centers[71] for the Druze and Circassian populations[72], and allocating 200 Million NIS[73] for the operation of these centers for the years 2017–2020; and public security – through the establishment of additional police stations and the recruitment of more Arab police personnel.

(b) Resolution No. 2365, entitled "Government plan for the development of Minority Localities (including Arab, Bedouin, Druze and Circassian local authorities) in 2015" which aims at, *inter alia*, improving transportation infrastructure including internal and external roads and public transportation; improving water and sewage systems; developing tourism arrangements; finalizing the development of industrial areas; providing

vocational training and support of micro hi-tech companies; constructing sports halls and courts; improving personal security and service to citizens including through the "City without Violence" Program. The total budget for this plan was 664 Million NIS[74] for 2015 and programs which were launched under this plan in 2015 are still ongoing.

(c) A special Resolution that was designed specifically to help develop and strengthen Druze localities for the years 2014–2017.[75] This Resolution aims to strengthen the Druze population in education – through the construction of additional classrooms and kindergartens, the development of educational programs for all ages, including preparation for higher education, enrichment and extra-curricular activities, teacher training etc. (with a total budget of 54 Million NIS[76]); employment – by promoting additional employment opportunities and strengthening social services (with a total budget of 13 Million NIS[77]); health services and infrastructures- via completion of zoning plans for these localities (with a budget of 8 Million NIS[78]); infrastructure- through the establishment and maintenance of religious sites and structures (10.4 Million NIS[79]), and the improvement of transportation infrastructure (80 Million NIS[80]).

(d) In addition to the above-mentioned Resolutions, the Authority has been working with the Forum of Bedouin Authorities' Leaders and 15 Government Ministries and related professional bodies on a five-year plan for the years **2016–2020** for the Bedouin localities in Northern Israel, with a total budget of 1.7 Billion NIS[81] for five years.

34. Aside from the above-mentioned initiatives, in 2014, the MOE[82] and the CHE[83] together with the Irteka Scholarship Fund and other private benefactors, offered 650 scholarships for the 2015 academic year to Arab, Druze and Circassian students studying for their first degree. 6.5 Million NIS[84] were allocated for these scholarships. Preparations are being made for another allocation, to roughly 650 new recipients.

35. The CHE has also started the process of establishing and operating a state-funded academic college in an Arab locality in northern Israel. The CHE invited the submission of proposals in December 2015. This institute will render higher education more accessible to the Arab population living in northern Israel, especially to women.

36. The Government has initiated a number of development plans that address the concerns and needs of Bedouins. All of the plans involve active participation of the relevant communities. There are currently 18 Bedouin localities with approved outline plans and additional development plans are underway in several other Bedouin towns. Rahat, for example, will almost triple in size (from 8,797 dunams today to 22,767 dunams). The project is estimated to cost approximately 500 Million NIS[85]. All of these plans include the construction of infrastructure such as schools, health clinics, running water, electricity, roads, pavements, etc. The Government is encouraging movement to regulated localities by providing financial incentives which include, *inter alia*, the provision of land plots for free or at very low cost, and compensation for the demolition of unauthorized structures.

(d) Racial discrimination[86]

37. The State of Israel condemns all forms of racial discrimination and its Government maintains a consistent policy prohibiting such discrimination. In recent years, Israeli law enforcement authorities have intensified their efforts to combat hate crimes by forming special units designated to tackle such phenomena.

38. In January 2014, a public campaign was launched to educate the public that discrimination and racism constitute a criminal offence. As part of this campaign, a special internet site and hotline were created to provide information and assistance to persons affected by discriminatory acts.

39. To further counter racial discrimination, the MOE initiated several efforts to advance the principles of democracy and coexistence in its curricula. These include *inter alia*, the Tolerance, Prevention of Racism, and Coexistence Program, a multi-year program designed for all ages and populations, that focuses on tolerance, acceptance of persons from other groups, coexistence and the prevention of racism; the "Living Together Program", a program facilitating meetings between Jewish and Arab pupils, with the aim of working together for the benefit of both local populations;[87] the "Holocaust to Human Rights" Dialogue – which emphasizes the importance of democracy, human rights and pluralism; "Ya Salam" – a program to promote coexistence and equality through joint Hebrew and Arabic classes in both Jewish and Arab schools.

Judicial decisions against racial discrimination

40. The judiciary continues to protect minorities from racial discrimination. Recent rulings include:

(a) A March 2015 HCJ decision that rejected a petition against various security inspection methods that were employed at Israeli airports and purportedly involved ethnic profiling (because the respondents had since begun to use new non-discriminatory security inspection methods), but awarded the petitioner's expenses because of its role in bringing about important changes in airport inspection methods.[88]

(b) The September 2015 Rishon-Le'Zion Magistrate Court ruling which held that bumping Arab passengers from a domestic flight to allow Jewish passengers to board in their stead on the basis of so-called 'security considerations' violates the *Prohibition of Discrimination in Products, Services and in Entry into Places of Entertainment and Public Places Law*, which prohibits discriminating against persons based on their ethnic origin and violates the *Basic Law: Human Dignity and Liberty*'s guarantee of human dignity.[89] Accordingly, the Court awarded sizeable damages to the plaintiffs despite the fact that they ultimately boarded the flight.[90]

(c) A March 2016 Nazareth Labor Court ruling[91] in favor of a Druze plaintiff who was fired on the basis of race in violation of Section 2 of the *Equal Employment Opportunities Law* 5748-1988 and was awarded compensation in the amount of 54,804 NIS[92], and legal fees in the amount of 10,800 NIS[93].

Israelis of Ethiopian descent

41. In the wake of allegations of discrimination and popular protests, Israel implemented a number of measures geared towards Israelis of Ethiopian descent. In February 2014, the Government passed a groundbreaking resolution[94] tasking the MOIA[95] and other Government Ministries to develop new policies for increasing the integration of Israelis of Ethiopian descent and abolishing discrimination against them. Over 3,000 Israelis of Ethiopian descent – including public figures, heads of NGOs, professionals and activists, participated in over 60 round-table meetings with government officials and policy makers to develop these policies. This process yielded a comprehensive document with six guiding principles to serve as the basis for all new policies to be implemented concerning Israelis of Ethiopian descent, including: integration rather than segregation; acknowledging the diversity within the Ethiopian Israeli community itself; empowering families; closing gaps; encouraging excellence and leadership within the community; and educating Israeli society to eliminate all forms of discrimination against Israelis of Ethiopian descent. By the end of 2014, all Government Ministries involved in the process had established new policies guided by these overriding principles.

42. In July 2015, the Policy Principles were adopted in Government Resolution No. 324, which created a four year inter-ministerial program designed to adopt clear policies,

including the establishment of a special unit in the PMO[96] to oversee the implementation. In addition, the Ministerial Committee for the Advancement of the Integration into the Israeli Society of Israeli Citizens of Ethiopian Descent (hereinafter: "the Ministerial Committee") was established, headed by the Prime Minister.

43. In January 2016, the Ministerial Committee approved a resolution directing the MOJ's Director General to create and head an inter-ministerial team charged with developing an action plan to deal with racism against persons of Ethiopian descent. This team was comprised of senior officials[97], in addition to representatives of the CSC, Israeli Police, the Equal Employment Opportunities Commissioner, representatives of the industrial sector, and representatives of Israeli citizens of Ethiopian descent.

44. In August 2016, the Ministerial Committee adopted 53 recommendations made by the inter-ministerial team.[98] The Ministerial Committee also decided to implement several of the team's recommendations, including, *inter alia*: the establishment of a new unit within the MOJ for the coordination of the fight against racism; the appointment by the Justice Minister of an independent public commission to assist and advise the coordination unit; the appointment of an individual in every Government Ministry to serve as a focal point and be in charge of the fight against discrimination and racism; the provision of free legal representation in discrimination claims relating to access and entry to public places; positive representation of persons of Ethiopian descent in the public sphere – including public places and the media; and the creation of an expedited procedure for the employment of persons of Ethiopian descent with academic degrees in the public sector. The new unit in the MOJ is also tasked, *inter alia*, with the implementation of the inter-ministerial team's recommendations; fielding complaints concerning discrimination and racism and involving the relevant authorities; composing an annual report regarding the unit's responsibilities. The Director General of the MOJ is required to report to the Ministerial Committee on the implementation of the abovementioned recommendations.

45. The Israeli Government, by means of Resolutions adopted between October 2015 and February 2016,[99] approved special programming that involves over 10 Ministries and Government agencies in the following areas: education; integration; employment; family and community. The programs created under these initiatives include efforts to educate the public and alter prevailing attitudes; minimize gaps; and promote leadership and excellence. The plans formulated by various Ministries pursuant to these Resolutions include targets for a four-year plan (2016–2019) and relevant budgets, with a total budget of approximately 500 Million NIS[100].

46. In addition to the administrative and legislative measures that demonstrate Israel's commitment to non-discrimination, the Israeli Police have likewise shown such dedication by initiating a detailed plan to prevent discrimination and reduce points of friction with this population. The plan includes, *inter alia*, training officers how to police in a multi-cultural setting; adding local community police officers who offer special programs and serve as a liaison between the community and police; increasing the recruitment and promotion of Israeli citizens of Ethiopian descent within the Police and increasing the number of Amharic-speaking dispatchers (100). Though final statistics are not yet available, there are indications that these measures have led to a reduction in the number of arrests and detentions of Ethiopian Israelis, especially among youth.

47. There have also been numerous judicial decisions rendered regarding racial discrimination against this group. In one recent example from January 2016, the Haifa Regional Labor Court ruled in favor of an Israeli woman of Ethiopian descent who claimed that she suffered discrimination due to her ethnic origin in violation of the *Equal Employment Opportunities Law* 5748-1988. The Court held that the plaintiff had proven that the respondent company had discriminated against her and had refused to hire her due to her ethnic origin without examining her relevant employment skills. Due to the severity

of the case, the Court awarded compensation in the amount of 50,000 NIS[101] to the plaintiff.[102]

(c) Rights of persons with disabilities[103]

48. Israel is proud of its achievements regarding the protection and promotion of human rights for all persons with disabilities and remains committed to promoting a disability rights agenda. Israel devotes tremendous resources to enabling disabled people to fulfill their potential, maintain their dignity and freedom, and enjoy equal rights.

49. In furtherance of the two principal sources of legislation mandating accessibility to public places and services, the *Equal Rights for Persons with Disabilities Law* 5758-1998 (the "*Equal Rights Law*") and the *Planning and Building Law* 5725-1965, additional Regulations have been promulgated relating to a wide variety of places and services that require accessibility adjustments. As of January 2017, 21 detailed Accessibility Regulations had been adopted. As required by the *Equal Rights Law*, these Regulations were drafted in consultation with organizations working on behalf of persons with disabilities. Important work is ongoing in this area, with 13 draft Accessibility Regulations in various stages of the legislative process.[104]

50. These aforementioned Regulations have greatly increased the scope of accessibility requirements relating to sites and services, including: the construction of public buildings (existing and new); educational facilities (existing); open public places like cemeteries and beaches; archaeological sites; national parks and nature reserves; transportation services (including buses, trains, taxi cabs, and rental cars); information accessibility and telecommunication services. Recent legislative measures include an amendment to a Transportation Regulation, addressing the accessibility of the light rail. Other measures address accessibility provisions for professional training courses, health facilities and higher education institutions.

51. The Commission for Equal Rights of Persons with Disabilities in the MOJ works to ensure that these accessibility regulations are implemented by, *inter alia*, publishing data and by training officials, as well as by means of a specialized accessibility enforcement department that operates nation-wide. Supervisors perform field surveys and are authorized to investigate, request documents, and inspect premises. They conduct over 1,000 such inspections annually and issue letters of warning to entities found not to be in compliance with accessibility Regulations. When necessary, they are authorized to issue an order obligating an entity to make accessibility adjustments. The violation of terms of an accessibility order is a criminal offence, punishable by a court-imposed fine. If an accessibility order has been issued to a public or private corporation, or to a local authority or government entity, officials may be held personally liable.

52. Employment discrimination against a person with disabilities, by reason of his/her disability or against family members of a person with disabilities by reason of that disability, is strictly prohibited under the *Equal Rights Law*. Section 8(e) defines discrimination as including the failure to make adjustments required by virtue of the special needs of a person with a disability in order to facilitate her/his employment.[105]

53. Recognizing the challenges faced by persons with disabilities in seeking employment opportunities, the *Equal Rights Law* provides that if an employer with over 25 workers finds that disabled persons are not appropriately represented, the employer must enable such integration, including by making adjustments to the workplace. Recent legislation has defined "appropriate representation" for public and private sector employers and has established implementation or enforcement mechanisms.[106]

54. Other recent measures aimed at improving the lives of PWD include the launch of a public awareness campaign to promote the rights of persons with disabilities and the

accessibility requirements of public places. From 2011 until 2016, the campaign included television, radio, internet, new-media and newspaper coverage in Hebrew, Arabic and Russian. The annual budget of these campaigns was 1,500,000 NIS[107].

(f) Religious freedoms[108]

55. As underlined in the *Basic Law: Human Dignity and Liberty*, freedom of religion is an important facet of Israeli society, and consists of both the freedom of religion[109] as well as the freedom to practice one's religion.

56. Israeli Law guarantees freedom of worship and ensures access to holy places to members of all faiths. The *Protection of Holy Places Law* 5727-1967 safeguards all holy places from desecration and subjects violators to significant prison sentences.

57. Holy sites in sensitive areas are guarded by the Police in order to protect tourists, visitors, and worshippers and maintain public order.

58. The GOI takes the desecration of holy sites very seriously and the Prime Minister, President, and Defence Minister have all denounced such actions in the harshest terms.[110] As a matter of policy, Israel investigates and prosecutes the offenders in such situations. For example, on July 28, 2015, an indictment was filed in Nazareth District Court against two suspects in relation to the arson at the Church of the Multiplication of the Loaves and Fish in Nahum Village in June 2015. One of the suspects was charged with arson under aggravated circumstances, defacing real estate with a hostile motive towards the public, conspiracy to commit a crime, conspiracy to commit other offences, using a car in the commission of a crime, obstructing a police officer, and violation of a legal order. The second suspect was charged with providing means for the commission of a crime and conspiracy to commit other offences. The first suspect was convicted in July 2017, while the second was acquitted of all charges against him. In addition to prosecuting the offenders, the GOI further displayed its commitment to religious freedom and the sanctity of holy sites, by transferring 1.5 million NIS[111] in January 2017 for the complete renovation of this Church.

59. Israeli courts have also protected those who prefer to receive civilian over religious services. On September 4, 2014, the Kfar Saba Magistrate Court held, in two separate cases brought by spouses of deceased individuals who had desired to have a civilian burial, that the State had not fulfilled its legal obligation in accordance with *The Right to Alternative Civil Burial Law* 5756-1996, which requires that alternative cemeteries be established in various regions throughout Israel. The Magistrate Court ruled, *inter alia*, that there were not sufficient civil burial cemeteries available and that the civil burial cemeteries that did exist were not in close proximity to the relevant populations. The Court also determined that the MRS did not disseminate information regarding civil burial options to the public and ordered the MRS to reimburse the plaintiffs.[112] As of September 2017, the number of cemeteries for alternative civilian burial had increased to 23[113]. The list of cemeteries is now published on the MRS' website.

60. In addition to Jewish and civilian burial, persons of other faiths are buried according to their own customs in Israel. Likewise, in an appeal brought by the mother of a transgender woman who requested in her will that her body be cremated upon her death, the Supreme Court upheld the Jerusalem District Court decision to honor the deceased's request.[114]

61. The GOI has made efforts to accommodate the needs and lifestyles of employees of different religions. The CSC provides holiday and vacation time according to employees' relevant religious holidays, such that Muslim employees are entitled to a day off during Ramadan and Christians can choose Sunday as their day off from work. Only recently, in

May 2016, the CSC approved, *ex gratia*, that Muslim employees of the SBB could report on-call shifts during Ramadan.[117]

2. Children's rights[118]

(a) Education

62. Israel remains determined to protect children's rights and their welfare and has continued to legislate and act towards the betterment of all children. Israel is a signatory to numerous international conventions[119] and new policies and legislation give effect to the rights and obligations contained therein.

63. Israel's educational system is based on the principle that every child receive an equal opportunity for education, as enshrined in Section 2(B) of the *National Education Law* 5713-1953 (*"The National Education Law"*). Similarly, Section 5(A)(1) of the *Pupil's Rights Law* prohibits any form of discrimination concerning the registration of pupils by governmental and local authorities or any educational institution.

64. Every parent has the right to choose between public and private kindergartens and between secular or religious ones. No tuition is charged for children enrolled in public kindergartens.[120] This right to free and compulsory education is granted to every child living in Israel, regardless of his/her citizenship or legal status. Since the last UPR cycle, a number of important reforms have been adopted, including the 2016 Amendment No. 35 to *Compulsory Education Law* 5709-1949, which lowered the compulsory age of enrollment of children in kindergartens from five to three.

65. Another important recent reform, Government Resolution No. 2659, which expands governmental support of after-school day-care programs, was adopted on May 21, 2017.[121] This resolution enlarged the financial support granted by the MOE to after-school day-care centers, and supervision of the programs, ensuring the quality of service provided and the pedagogical standards.

(b) Health

66. As of January 2017, children below the age of 15 became entitled, under the *National Health Insurance Law* 1994-5754, to receive free basic dental care treatment and other treatments with low deductibles.[122] The treatments will be further extended in one year to include children age 15, and in two years to cover those who are 16, and so on, up until the age of 18.

67. In 2014 the Government enacted, *inter alia*, the *Supervision of the Quality of Food and Proper Nutrition in Education Institutions Law* 5774-2014 which obligates the State to supervise the nutritional values of all foods sold and served in educational institutions.

(c) Economic and social

68. Pursuant to the *National Insurance Regulations (Long-Term Savings for Child)* 5777-2016, there is a new long-term savings account program in Israel. As of January 2017, the NII[123] contributes 50 NIS[124] each month into a long-term savings plan for each child eligible for this allowance until the child reaches the age of 18. The parent may choose to have the child's funds held in a designated savings account that is managed within the framework of either an investment provident fund or bank savings account. The parents have the option to match the NII contribution and deposit an additional sum of 50 NIS[125] monthly for the child. In addition, every child receives 250 NIS[126] upon reaching the age of 3 and 250 NIS[127] upon reaching the ages of 12 and 13 respectively. If a child keeps the funds in the savings account until age 21, he/she will receive 500 NIS[128] at that time.

69. Following the 2016 Amendment No. 55 to the *Womens' Employment Law* 5714-1954, either the mother or father of a newborn may be absent from work for one hour a day for the first four months following parental leave, without it impacting their salary. Civil servants that are parents of young children are granted even greater flexibility.[127] Like the above-mentioned parental leave amendments, this amendment promotes greater parental involvement in raising children and helps families adjust better to their work-life balance.

70. Amendment No. 6 of 2013 to the *Marriage Age Law* 5710-1950 raised the minimum age for marriage from 17 to 18. Anyone who marries a minor, officiates at a minor's wedding, or enables the marriage of a minor under his/her guardianship may be sentenced to two years of imprisonment or a fine.

3. Access to justice[128]

71. The Supreme Court is Israel's highest judicial instance.[129] The Court has 15 justices, who usually sit on panels of three. Under Article 15 of the *Basic Law: The Judiciary* of 1984, the Supreme Court serves two primary purposes: it is the court of first instance for constitutional cases and the highest court of appeals, as well. Thousands of cases and petitions are heard annually.

72. The Court offers broad standing rules, allowing all persons, including non-citizens and non-residents, to directly petition it, on a very wide range of issues. The Supreme Court rules on such petitions, and when justified, issues injunctions against the Government or other relief as appropriate.

73. Free legal aid is offered in Israel, under certain circumstances, via the PDO[130] which provides legal representation throughout criminal proceedings, and the LAA which offers legal counsel to persons who cannot afford legal representation in civil proceedings. Eligibility for LAA depends upon the subject-matter of the case, the financial ability of the applicant, and the likelihood of success of the legal proceedings.[131]

74. In November 2014, a pilot program was launched creating Community Courts for criminal proceedings, which employ a judicial and rehabilitative approach aimed at reducing incarceration and preventing recidivism. By providing personal assistance during the process, tailoring a rehabilitation plan to defendants' needs and circumstances and, in appropriate cases, offering the assistance of the community, this framework provides perpetrators of crimes an incentive to rehabilitate themselves and the Court an opportunity to spare defendants from imprisonment if they complete their individualized rehabilitation plan.

4. Economic rights[132]

75. Following an agreement in late 2014 between the Presidium of Business Organizations and the General Federation of Trade Unions, which was later ratified in legislation, the minimum wage in Israel was incrementally increased from 4,300 NIS monthly[133] in 2014 to 5,000 NIS[134] monthly in January 2017.[135] This increase not only improves the lives of low-wage earners but also provides a greater incentive for unemployed individuals to work.

5. Environmental protections

76. Israel ratified the Paris Agreement[136] on November 14, 2016 and the Agreement entered into force in Israel on December 22, 2016.

77. As part of its commitments under the Agreement, Israel submitted its Nationally Determined Contribution (NDC), which is a national plan for emissions reductions.[137] According to its NDC, by 2030, Israel intends to reduce its per capita greenhouse gas

emissions by 26% below 2005 levels. Israel also set an interim target of 15% reduction of 2005 levels by 2025.

78. Recently, Israel became a full member of the Umbrella Group, a coalition of non-EU[138] developed countries[139]. This group provides a forum in which members consult each other regarding negotiations on the implementation of the Agreement.

79. Israel is also deepening its relationship with UNEP[140], including by providing financial and technical support to UN Environment projects in Africa.

80. Israel plays an active role as a member of the Barcelona Convention for the Protection of the Mediterranean Sea against Pollution, and in this vein ratified the Protocol on Integrated Coastal Zone Management in the Mediterranean on February 4, 2016.

81. In the last reporting cycle, Israel also adopted a number of new laws relating to environmental protection:

(a) On January 1, 2017 the *Law to Reduce the Use of Disposable Bags* 5776-2016, took effect. This law substantially reduces the number of plastic bags used by the public by charging for plastic bags in supermarkets. Within the first three months of this law coming into effect, there was a reduction of up to 80% of plastic bags purchased by supermarkets for distribution to the public.

(b) The *Law for the Regulation of the Practice of Pest Control* 5776-2016 came into effect on June 1, 2016 and regulates pest exterminators to ensure safe and environmentally sound practices.[141]

(c) The *Electrical and Electronic Equipment and Batteries Law* 5772-2012 which came into effect on March 1, 2014 along with a number of ancillary regulations, imposes extended producer responsibility on manufacturers and importers of electrical and electronic equipment, prohibits the burial of waste equipment and batteries and requires that they be recycled.

6. Prisoners' rights (Protection of persons subjected to detention)

82. On June 13, 2017, in a case concerning the living conditions of prisoners in Israel brought by several human rights NGOs, the Israeli Supreme Court held that the State must provide, within 18 months, 4.5 square meters of living space for each prisoner or detainee, as required under Section 2(8) of the *Prisons Regulation (Imprisonment Conditions)* 5770-2010, instead of the 3.16 square meters that was typically apportioned in most Israeli prisons.[142] The Court stressed that having a minimal living space is an essential condition for the protection of a prisoner's right to human dignity. In its decision, the Court included a detailed reference to the right for adequate living space of prisoners under international human rights law.[143]

83. Recently, Israel has focused more attention on the treatment of convicted offenders in order to maximize their potential to integrate into a normative lifestyle upon their release from prison and decrease the likelihood of recidivism. In August 2016, the Government adopted the main recommendations of the Public Committee for the Examination of the Punishment and Treatment of Convicted Offenders, which had been established in 2011 to study alternatives to punishment and ways to treat convicted offenders, with the aim of preventing recidivism to the extent possible.[144] The recommendations that were adopted include:

(a) the establishment of a research and information team in the Ministry of Justice to examine the effectiveness of different means of punishment and to collect statistical, comparative and other information regarding punishments, rehabilitation and court sentences, the scope of a given criminal phenomenon and more;

(b) the expansion of the existing model of "Community Courts" in order to reduce incarceration levels;[145]

(c) community service as an alternative to imprisonment when the prison sentence is 9 months or less;

(d) the establishment of a team, headed by the Deputy Attorney General (Criminal), to examine alternatives to punishment, with an emphasis on alternatives to prison sentences.

84. One alternative to incarceration that Israel has used since 2005 as part of a pilot program and which has been extended by temporary measures, is electronic monitoring of detainees released on bail and those released from imprisonment on parole. In 2014, the Knesset passed the *Electronic Monitoring of Detainees and Conditionally Released Prisoners Law (Legislative Amendments)* 5775-2014, which permanently established this program.

7. The fight against trafficking in persons

85. Israel has made remarkable progress in recent years in the continuing struggle to eliminate trafficking in persons. The Government of Israel continues to participate actively in global efforts to combat trafficking and has shared its knowledge and experience in this field both internationally and domestically[146] and while hosting study visits by foreign delegations, like the July 2016 study visit from Albania on compensation for trafficking victims[147], and the September 2016 visit from Moldova[148] on organ trafficking. MASHAV[149] continues to conduct its bi-annual international conference for judges and justices on this topic[150] in cooperation with various international organizations including the OSCE[151]; IOM[152]; the UNODC[153]; and the U.S. Government and to host an annual International Workshop on "Combating Violence against Women and Children", in cooperation with UNESCO[154]. At the end of the June 2016 workshop, the participants presented the Haifa declaration 2016: "A Call for Action from the Participants of MASHAV MCTC Course on Combating Violence against Women and Children".

86. Israel's legislature is also actively engaged in this issue. The Knesset Subcommittee on Combating Trafficking in Women and Prostitution was reestablished in February 2016. The Subcommittee collaborates with relevant government entities and civil society organizations. The various authorities and NGOs know they may turn to the Subcommittee for help in resolving specific problems or in advancing various urgent matters in legislation.

87. In 2016, the NATU[155] created a new inter-ministerial forum, comprised of legal advisors from all relevant Government Ministries. The inter-ministerial forum, which met in 2016-2017 aims to build knowledge and expertise within the legal departments of each Ministry, and strengthen collaboration between the various Ministries. NATU also established an internet forum enabling updates and direct communication between the varied agencies.

88. Recent bilateral agreements for foreign workers serve as a further safeguard against trafficking in persons. The pilot agreements signed with Nepal and Sri Lanka in 2015 and 2016, respectively, aim to recruit a limited number of qualified caregivers through a transparent process that includes mechanisms designed to eliminate the payment of illegal recruitment fees by workers. As such, these workers arrive in Israel without the unreasonable debts previously incurred by workers. In addition, the applicants to the program undergo a sixty-hour professional course prepared by Israel and a pre-departure orientation in which they receive information regarding their legal rights and obligations.

89. In 2016, special efforts were made to train relevant officials who had not yet received TIP[156] training. For example, PIBA's border officials in Eilat, a city which is

becoming a significant entry point, were trained to identify possible victims of trafficking. In addition, the NATU provides guiding principles to identify victims of trafficking, and distributes a book to every labor inspector containing a list of criteria and procedures to identify trafficking victims.

90. Several important judicial decisions in 2016 manifest Israel's commitment to eliminating trafficking in persons:

(a) The Supreme Court rejected an appeal and upheld the conviction of a Jerusalem couple for holding a person under conditions of slavery.[177] The case made clear that the offense can exist even when no violence or physical barriers have been placed in the way of an individual's freedom, and even when a similarly situated person may have been able to escape.

(b) In July 2016 an indictment was filed against two defendants who had recruited women from former Soviet Union countries via the internet to come to Israel and engage in prostitution. One defendant also approached a Ukrainian citizen to recruit women for prostitution. The defendants had caused 15 women to come to Israel and provide sexual services. The defendants were sentenced to imprisonment, a fine and forfeiture of cash.[178]

(c) An indictment was filed against a defendant who lured women from Russia and the Ukraine to enter Israel and provide sexual services by promising them high earnings as masseurs and the chance to reside in luxury apartments, along with his partner, who managed the apartments and was responsible for informing the women of the terms of employment. Some of the women were required to perform sexual acts on the defendants and to allow the defendants to "examine" them. As part of a plea bargain in September 2016, the defendants were sentenced to four years imprisonment and were required to pay a fine of 5,000 NIS[179] and compensation to the complainants. Both defendants have appealed the verdict.[180]

91. The GOI's concerted efforts to prosecute cases involving Organ Trafficking culminated in indictments against two trafficking networks in 2016. This allowed, *inter alia*, a thorough examination of the unique characteristics of each network and advanced efforts to learn how to prevent the continuation of this abhorrent phenomenon.

(a) In November 2016, an indictment was filed against seven defendants who persuaded economically vulnerable Israelis to sell their kidneys and found patients willing to pay a significantly higher price for the kidney than the fee the defendants gave to the donors. The illegal transplants were carried out in Turkey.[181]

(b) In December 2016, an indictment was filed against three defendants charged with operating an organ trafficking network that sold "transplant packages" to Israeli citizens. Donors were presented as altruistic, but were actually individuals with financial and personal difficulties, recruited from CIS[182] countries. The surgeries were performed in a third country (Thailand, Philippines, Turkey, and Bulgaria). While the recipients paid the defendants for the transplant, the donors only received about 1/8[th] of that amount, while the defendants kept the remaining funds. A hearing in this case is scheduled for March 2018, while two of the defendants remain in custody.[183]

92. The *Anti-Trafficking Law (Legislation Amendments)* 5767-2006 established a special fund, where forfeited property and fines from trafficking and slavery offenses are deposited and dedicated to various causes in combating TIP – with a special emphasis on victim protection and compensation. The law gives precedence to victim protection and rehabilitation, ordering that at least half of the funds each year be allocated to that purpose. In 2016, the fund began its operations – having finally accumulated sufficient funds. A call for applications was published in ten languages, and applications were received from NGOs

and victims of offences. The decisions regarding the allocation of the funds are made by a special committee, comprised of government officials and public representatives.

C. New and emerging issues, including advances and challenges in that regard

1. Polygamy

93. The practice of polygamy deleteriously impacts women and children and the status of women in society in general, and as such, Israel continues to struggle to eliminate the practice. However, Israel, like other countries with traditional communities, encounters opposition. According to recent findings of the NII, in 2016, there were 1,762 cases of polygamy in Israel, most of them within the Bedouin population in the south of Israel.

94. Several efforts have been made to confront this challenge. First, in January 2017, the GOI adopted Resolution No. 2345, which established an Inter-Ministerial Committee tasked with handling the issue of polygamy and called for the development of a strategic plan to address this phenomenon. Second, the Attorney General published Guideline No. 4.1112, entitled "The polygamy offence" on January 23, 2017. The goal of the Guideline is to enhance effective enforcement of the polygamy offence under Section 176 of the *Penal Law* and to augment its punishments. The Guideline describes the destructive implications that polygamy has on women and children, including its impact on a child's well-being and development; its economic and emotional implications upon women; and its general negative effect on the status of women in society.

2. Prostitution

95. In July 2017, the Knesset preliminarily approved two bills that make paying for sexual services a punishable crime and provide rehabilitation services to survivors of prostitution. The GOI intends to present a proposal on this issue, incorporating these two bills.

96. In 2016, after several years of efforts, the National Survey Regarding Prostitution, a collaboration of the MPS[164] and the MOLSASS, was completed. The survey yielded important and sometimes surprising findings that explained the phenomenon and may help improve existing services for persons formerly involved in prostitution and create new ways to handle the issue. As the result of the study, an additional 1,000,000 NIS[165] was allocated to expand the services rendered to prostitutes and further budget increases are expected in the coming years.

97. In December 2016, Amendment No. 127 of the *Penal Law* entered into effect, amending Section 203C of the *Penal Law* and increasing the penalty for the offence of procuring an act of prostitution from a minor from three years to five years' imprisonment. While receiving commercial sexual services from minors has been an offence since 2000, this amendment increases the severity of the punishment for the offense, thereby changing its status to a felony. The amendment, also in accordance with a CRC Committee recommendation to the GOI, further enhanced the rights and protections afforded to victims.

98. The State Attorney's Office, together with NATU, recently conducted an examination of cases relating to the prostitution of minors which were closed for lack of evidence, in order to understand the evidentiary difficulties involved. The State Attorney has reiterated the need to enhance and prioritize enforcement efforts to the Head of the Investigations and Intelligence Division in the Police. The Police have been improving enforcement efforts with regard to minors involved in prostitution, through ongoing efforts

to improve cooperation between the Police, the MOLSASS, MOH, MOE and the ELEM NGO. Plans are underway to expand the protection programs for minors in prostitution, and to establish ten more centers for the treatment of minors and young people in prostitution, beyond the existing five.

99. The new inter-ministerial forum comprised of representatives from the legal departments of all relevant Government Ministries discussed above in connection with the fight against TIP, is also tasked with the prevention of prostitution and related law enforcement.[166]

D. Challenges which would require the support of the international community

100. Like other countries around the world, Israel remains concerned by the constant threat of terrorism and is threatened by the escalating levels of incitement to violence and recruitment of children to commit acts of terror. There are abundant and pervasive resources available to contemporary terrorists and terror organizations are quick to adapt to new modes of online exploitation. Through social media, online chatrooms and other user-friendly technologies, the internet has become a dangerous platform for inspiring martyrdom and promoting violent extremism. Israel is deeply invested in combatting the challenge of online hatred and abuse of social media platforms for the sake of terror, while simultaneously being careful to preserve individuals' rights to freedom of expression. We continue to work with the international community to share best practices and find solutions for this global challenge.

101. On June 15, 2016, as part of Israel's ongoing battle against terrorism, the GOI enacted *The Counter Terrorism Law* 5776-2016. The Law provides, among other things, updated definitions for "terrorist organization", "terrorist act" and "membership in a terrorist organization"; detailed and streamlined procedures for the designation of terrorist organizations, and enhanced enforcement tools, both criminal and financial. This comprehensive law is part of an effort to provide law enforcement authorities with more effective tools to combat modern terrorist threats while incorporating additional safeguards to prevent violations of individual human rights, like due process mechanisms to challenge designations. The Law does not discriminate on the grounds of race, color, descent or national or ethnic origin and does not subject individuals to racial or ethnic profiling or stereotyping.

102. Israel, as the State in which the Jewish people realize their right to self-determination, is alarmed by the upswing in Anti-Semitic incidents throughout the globe and hopes to collaborate with international actors in facing this challenge. One step forward in this direction was the first ever General Assembly session addressing the rise in global Anti-Semitism on January 20, 2015. The permanent mission of Israel to the UN managed, with the support of the US, Canada and the EU, to convene this session in the context of combatting racism and xenophobia. The outcome of the session, a joint statement signed by 51 Member States, was later endorsed and circulated by the Secretary General.[167] As a follow-up to the session, a High Level forum on Anti-Semitism met in New York on September 7, 2016. The event included multiple expert panels and civil society participation.

Notes

[1] Universal Periodic Review.
[2] A/HRC/RES/16/21.

[3] A/HRC/DEC/17/119.
[4] Ministry of Foreign Affairs.
[5] Ministry of Justice.
[6] International Covenant on Civil and Political Rights.
[7] Convention on the Elimination of All Forms of Racial Discrimination.
[8] International Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.
[9] Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography.
[10] International Convention of the Elimination of All Forms of Discrimination against Women.
[11] Convention on the Rights of Persons with Disabilities.
[12] Government of Israel.
[13] World Intellectual Property Organization.
[14] Persons with Disabilities.
[15] These are amendments to the *Copyrights Law and the Performers and Broadcasters Rights Law* 5744-1984.
[16] United Nations Office for the Coordination of Humanitarian Affairs.
[17] United Nations Human Rights Office of the High Commissioner.
[18] United Nations Children's Fund.
[19] United Nations Secretary General.
[20] Former UNSG Ban Ki-Moon visited in 2014 and 2016.
[21] UNSG Guterres visited in August 2017.
[22] United Nations Human Rights Council.
[23] This visit occurred in September 2016.
[24] International Committee of the Red Cross.
[25] UPR Recommendations 136.32, 136.33, 136.34, 136.35, 136.36, 136.37, 136.40, 136.42, 136.44, 136.45, 136.50.
[26] Convention on the Rights of the Child.
[27] For example, the team's work led to the transfer of the Inspector for Complaints against the Israeli Security Agency (ISA) from the ISA to the MOJ after various Human Rights Treaty Bodies raised concerns in their Concluding Observations about the lack of independence of the Inspector's office from the subjects of its investigations. Another example is the team's role in increasing the penalty issued for accepting sexual services from a minor to reflect 2015 CRC Concluding Observations.
[28] UPR Recommendations 136.17, 136.18, 136.55, 136.58, 136.59.
[29] UPR Recommendations 136.19, 136.53, 136.56, 136.60, 136.62, 136.64, 136.81, 136.82, 136.91, 136.92, 136.101.
[30] Member of Knesset.
[31] There are currently 33 women MKs.
[32] The percentage of female directors in government companies was 33% in 2007 and 39% in 2011.
[33] Judge of a Muslim Religious Court.
[34] The Committee was established pursuant to *Government Resolution No. 36* (May 26, 2015).
[35] This Committee is more commonly known as "The Stauber Committee".
[36] Civil Service Commission.
[37] Women who have worked for less than one year at their place of employment when they take maternity leave receive 8 weeks of paid maternity leave.
[38] Israel Defense Forces.
[39] The Amendment (No. 19), stipulates that "The status and integration of a veteran woman in the defence service will not be prejudiced on account of the service of graduates of yeshivas and ultra-Orthodox religious institutions in the defence service under this chapter". Furthermore, the Amendment obliges the Minister of Defence to annually report on the effect of the implementation of this Amendment to the Knesset Committee of Foreign Affairs and Defense and the Committee for Advancement of the Status of Women and Gender Equality.
[40] Legal Aid Administration.
[41] While it is part of the MOJ, the LAA is independent and may file suits against the Government on behalf of its clients, who otherwise cannot afford legal representation.
[42] The largest Bedouin city in the south of Israel.

[42] Forwarding any such material is also deemed a sexual harassment offense.
[43] Authority for the Advancement of the Status of Women.
[44] Ministry of Religious Services.
[45] Ministry of Health.
[46] Ministry of Transport and Road Safety.
[47] High Court of Justice.
[48] One of the appellants had been ordered to give a Gett in 2011 and the other was ordered to do so in 2014. H.C.J. 5185/13 *Anonymous v. The Great Rabbinical Court in Jerusalem*, (28.02.2017).
[49] These sanctions included: preventing them from receiving passports and drivers' licenses, limiting their bank activities, instructing Israeli consulates abroad to refrain from assisting them, approving the publication of the appellants' photograph and details, public shaming (tagging them as "criminals") in the community, prohibiting the community from assisting them, visiting them in hospitals, seating them in synagogues, trading with them, showing them respect, and even performing a Jewish burial for one (1) of the appellants (when he ultimately passes).
[50] H.C.J. 5185/13 *Anonymous v. The Great Rabbinical Court in Jerusalem*, (28.02.2017).
[51] H.C.J 9261/16 *Anonymous and "Dead End" (Mavoy Satum) NGO v. The Great Rabbinical Court et al.*
[52] Reg.C.A 6897/14 *Radio Kol Berama v. "Kolech" - Religious Women's Forum* (9.12.2015).
[53] Cc 16-03-14588 *Rabinowitz vs. El Al Israel Airlines Ltd.*
[54] UPR Recommendation 136.56.
[55] Ministry of Labor, Social Affairs, and Social Services.
[56] Population and Immigration Authority.
[57] While the policy was not official before 2016, this shortened process was already implemented in individual cases as early as 2014.
[58] Ministry of Interior.
[59] National Labor Court NII Ap. 19745-05-15 *The National Insurance Institute v. Anonymous* (31.3.16).
[60] C.A 5116-11-12 *Yad HaShmona Guest House and Banquet Garden v. Yaacobovitch et. al.* (17.6.14).
[61] *Tel Aviv-Jaffa Family Matters Court, F.C. 57740-12-13 Anonymous et. al v. The Attorney General et. al.* (1.3.15). This is different from adoption proceedings which do require a social services review.
[62] S.Cr.C. 44503-08-15 *The State of Israel v. Yishay Shlisel* (19.4.2016, 26.6.2016).
[63] 533,500 USD.
[64] Sexual Orientation and Gender Identity.
[65] Equal Rights Coalition.
[66] UPR Recommendations 136.27, 136.53, 136.57, 136.58, 136.63, 136.67, 136.85, 136.86, 136.90, 136.91, 136.92, 136.93, 136.94, 136.95, 136.96, 136.98, 136.100, 136.102, 136.103.
[67] As mentioned in the Gender-based equality section above, two of the Knesset Members belonging to the Arab minority are women.
[68] The number of Arab students obtaining degrees is increasing rapidly. During the academic year 2011-2012, 27,220 Arab students were enrolled in programs for a degree (and an additional 4,000 students were enrolled in an online university for a first and second degree), 22,000 of whom were studying for a first degree, 4,600 for a second degree, and 470 for a third degree. During the 2015-2016 academic year, 36,945 Arab students were enrolled in a degree program, 29,380 of whom were studying for a first degree, 6,645 for a second degree, and 625 for a third degree. It is also important to note that there has been a marked rise in the number of female Arab students receiving degrees. Female Arab students account for 66% of the Arab students studying for first degrees, a number significantly higher than the 52% female Jewish students studying for such degrees.
[69] Education facilities for children aged 0-3 are highly significant for the reintegration of women into the labor market. In 2014, the Ministry initiated a new method of resource allocation for the planning and building of daycare facilities, clearing hurdles for the construction of daycare centers in Arab localities. For example, certain Arab local authorities are now not required to match funding allocated by the authority, in order to rent land or facilities.
[70] These are employment guidance centers.
[71] As of May 2016, there were 21 such centers operating in Arab localities, providing vocational training and placement assistance. Since their establishment, these centers have served about 17,000 applicants (60% of whom are women), of which approximately 10,000 men and women were assisted in finding employment.

[73] 52 Million USD.
[74] 174.73 Million USD.
[75] Resolution No. 1052.
[76] 14.2 USD.
[77] 3.4 Million USD.
[78] 2.1 Million USD.
[79] 2.73 Million USD.
[80] 21 Million USD.
[81] 447.4 Million USD.
[82] Ministry of Education.
[83] Council for Higher Education.
[84] 1.7 Million USD.
[85] 135.13 Million USD.
[86] UPR Recommendations 136.43, 136.53, 136.58, 136.59, 136.61, 136.62, 136.65, 136.85.
[87] In 2015-6, 178 elementary schools and 189 middle and high schools (with 12,776 and 5,558 pupils respectively) took part in this program.
[88] H.C.J. 4797/07 *The Association for Civil Rights Israel v. Israeli Airport Authority et. al.* (10.3.15).
[89] *Rishon-Le'Zion Magistrate Court. C.s. 1230-07-13. Ayoub Abu-Sabit et. al. v. Israir Airlines and Tourism et. al.* (21.9.15). The Court further found that both respondents violated a statutory duty by not respecting the constitutional right to equality in providing a public service (Section 63 of *Torts Ordinance [New Version]* [5728-1968]) and the "duty of care" aspect of the *Tort Ordinance* and that the airline violated the principle of good faith while implementing a contract towards the plaintiffs (Section 39 of the *Contracts (General Part) Law* 5733-1973)).
[90] Plaintiff No. 1 was awarded 25,000 NIS (6,460 USD) and each of the four other plaintiffs were awarded 20,000 NIS (5,170 USD).
[91] L.D. 16211-11-14. (Nazareth Labor Court) *Mansur Mansur v. Electra Consumer Products Ltd.* (20.03.2016).
[92] 14,442 USD.
[93] 2,850 USD.
[94] 1300.
[95] Ministry of Immigration and Absorption.
[96] Prime Minister's Office.
[97] The senior officials included Deputy Director General or branch managers.
[98] See *Report of the Inter-ministerial Team to Eradicate Racism against Persons of Ethiopian Origin*, pp. 123-131 at http://www.justice.gov.il/Pubilcations/Articles/Documents/ReportEradicateRacism.pdf.
[99] The Government approved Resolution No. 609 in October 2015 and Resolution 1107 in February 2016.
[100] 130.2 Million USD.
[101] 12,800 USD.
[102] Em.D. 37213-08-13 *Ta'ava Trapya v. Deree Air-Conditioning LTD* (24.1.16).
[103] UPR Recommendations 136.87, 136.88, 136.89.
[104] This number is accurate as of January 2017.
[105] The Government, via the Administration for the Integration of PWD at the Workforce in the MOLSASS helps private sector employers fund such adjustments.
[106] The Expansion Order for Promoting Employment of Persons with Disabilities (PWD) which came into effect on October 5, 2014, defines "appropriate representation" in relation to private sector employers with over 100 employees as employing 3% of PWD in the workforce. Under the Order, employers are to appoint a designated employee to supervise the implementation of this provision of the *Equal Rights Law*. As far as the public sector is concerned, Amendment No. 15 to the *Equal Rights Law* which entered into force in January 2017, requires public sector employers with more than 100 employees whose workforce does not consist of at least 5% of persons with significant disabilities, to prepare and post an annual work program on their website, designed to promote the employment of persons with significant disabilities in the workforce including affirmative action and outreach measures, as detailed in the Amendment. The Commission for Equal Rights of PWD is authorized to issue affirmative action orders to public sector employers covered by the Amendment.

who do not comply with their obligations to prepare and post on their website or who do not implement their program. In addition, every public sector employer with 25 or more employees is obligated to appoint an Equality Officer, who is charged with promoting the employment of PWD in that workplace. Also, Amendment No. 34 to *the Government Companies Law*, 5735-1975, entered into force on December 22, 2016, and obligates government companies to have several population groups appropriately represented among its directors, including PWD. The Government Companies Authority publicized its goal to reach 3% representation for PWD among the directors of Government companies.

[107] 416,600 USD.

[108] UPR Recommendations 136.21, 136.57, 136.68, 136.69, 136.70, 136.71, 136.72, 136.74, 136.75, 136.76, 136.77, 136.96.

[109] This is also known as the freedom of conscience.

[110] *See* Noam (Dabul) Dvir *President Rivlin slams 'price tag' attack on mosque as terror*, YNet News (Oct. 14, 2014), available in http://www.ynetnews.com/articles/0,7340,L-4580600,00.html; Yoav Zitun, *Ya'alon: Price Tag is terror; perpetrators can expect zero tolerance*, YNet News (Aug. 1, 2014), available at http://www.ynetnews.com/articles/0,7340,L-4474504,00.html; Ariel Ben Solomon, Lahav Harkov, *Netanyahu says 'Price Tag' attacks go against our values*, Jerusalem Post, (Apr. 30, 2014), available at http://www.jpost.com/National-News/Netanyahu-says-Price-Tag-attacks-go-against-our-values-350963.

[111] 414,300 USD.

[112] C.C. 29907-12-12, *Tzvi Ginsburg et. al. v. The Ministry of Religious Services* (4.9.14).

[113] For comparison purposes, there were 11 such cemeteries in 2013.

[114] C.Ap. 7918/15 *Anonymous v. Gal Friedman et. al.* (24.11.2015).

[115] Normally, on-call shifts may not be reported during holidays.

[116] UPR Recommendation 136.20, 136.67, 136.85.

[117] The human rights treaties relating to children include the Convention on the Rights of the Child, the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography.

[118] The only compulsory payment that may be charged is for personal accident insurance, and is limited to 34 NIS a year (10 USD). Voluntary payments may be collected for enrichment activities, but can be waived if a parent desires to do so.

[119] This expanded government support has thus far only been allocated for September until December 2017.

[120] The treatments include, among others, periodic examinations by a dentist, x-rays taken during the course of treatment, plaque removal, dental posts and reconstruction using amalgam and composite materials.

[121] National Insurance Institute.

[122] 14 USD.

[123] 14 USD.

[124] 69 USD.

[125] 69 USD.

[126] 138 USD.

[127] *See* Civil Service Bylaws Article 31.1 for more details.

[128] UPR Recommendation 136.55.

[129] For additional information see http://elyon1.court.gov.il/eng/system/index.html.

[130] Public Defender's Office.

[131] There is a distinction made between civil and family proceedings, whereby the eligibility for representation for matters pertaining to personal status are based on individual and not family income, thereby allowing single parents, for example, to receive LAA assistance.

[132] UPR Recommendation 136.53.

[133] 1200 USD.

[134] 1396 USD.

[135] In March 2015, the Presidium of Business Organizations and the General Federation of Labour added a fourth phase in which the minimum wage will be increased in December 2017 to 5300 NIS (1480 USD) but this agreement has yet to be ratified for implementation across the board.

[136] This agreement is also known as the Paris Climate Agreement.
[137] Israel submitted the NDC in September 2015 but according to the Agreement, a Party that submitted a plan in advance (under the Framework Convention), may adopt it as its NDC under the Paris Agreement.
[138] European Union.
[139] The Umbrella Group includes Australia, Canada, New Zealand, Russia, Japan, Norway, Ukraine, Iceland and the US.
[140] UN Environment.
[141] There is, however, a transition period of three years, so that some of the provisions do not take immediate effect.
[142] H.C.J. 1892/14 *The Association for Civil Rights in Israel et. al. v. The Minister of Public Security et. al.* (13.6.17)).
[143] The Court included Article 10(1) of the ICCPR, Article 16 of the CAT, and the Mandela Rules of 2015 in its decision.
[144] Government Resolution No. 1840 (11.8.2016). The Public Committee for the Examination of the Punishment and Treatment of Convicted Offenders committee was headed by former Supreme Court Justice Dalia Dorner and comprised of leading academic scholars and law enforcement personnel released a report with its recommendations in October 2015.
[145] *See* paragraph 73 above. According to the Government Resolution adopting these recommendations, there will be six Community Courts in Israel by October 2018.
[146] For example, in January 2016, NATU participated in a series of lectures and meetings in San Francisco which included meetings with state prosecutors, Members of Congress, the San Francisco City Council and with a coalition of non-governmental organizations operating against trafficking in persons. See http://sacramento.cbslocal.com/2016/01/13/california-lawmakers-turn-to-israel-for-advice-on-stopping-human-trafficking-at-super-bowl-50/ for more information.
[147] Coordinated by the International Organization for Migration.
[148] Coordinated by the Organization for Security and Co-operation in Europe.
[149] Israel's Agency for International Development Cooperation in the MFA.
[150] The Conference is entitled, "The Critical Role of the Judiciary in Combating Trafficking in Human Beings".
[151] Organization for Security and Co-operation in Europe.
[152] International Organization for Migration.
[153] United Nations Office on Drugs and Crime.
[154] United Nations Educational, Scientific and Cultural Organization.
[155] National Anti-Trafficking Unit.
[156] Trafficking in Persons.
[157] *Ibrahim and Basma Julani v. The State of Israel (Cr. A. 6237/13).*
[158] *The State of Israel v. Alyssa Zamlan and Boris R...ien (S.Cr.C. 40993-07-16 Haifa District Court).*
[159] 1,330 USD.
[160] *The State of Israel v. Leonid Shtrumer and Assaf Ben-Ari (S.Cr.C. 24041-12-15, Tel Aviv District Court).*
[161] *The State of Israel v. Michael Ziess et. al. (Cr.C. 40524-11-16, Petach Tikva Magistrate Court).*
[162] Commonwealth of Independent States.
[163] *The State of Israel v. Mordechayeb et. al. (Cr C53927-12-16, Tel Aviv Magistrate Court).*
[164] Ministry of Public Security.
[165] 266,700 USD.
[166] *See* paragraph 87.
[167] The statement received UN symbol A/69/864.